

ENTERED

July 08, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONFLORINO MENDOZA, *et al*,

Plaintiffs,

VS.

LEXINGTON INSURANCE COMPANY,
et al,

Defendants.

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CIVIL ACTION NO. 4:16-CV-1479

ORDER OF REMAND

This cause having come on for hearing on the motion of the plaintiffs', Florino and Vilma Mendoza, to remand this action to the 434th Judicial District Court, Fort Bend County, Texas, and the Court having considered the arguments of counsel and affidavits submitted in support of and against this motion, it appears to the Court that this action was removed improperly and the Court is without jurisdiction over the subject matter of this action.

THE COURT FINDS THAT:

The Court finds that it is without jurisdiction in this case because defendant Lexington Insurance Company has not shown the existence of diversity jurisdiction between the plaintiffs and Lexington Insurance Company and Dwight Johnson and the plaintiffs' pleadings do not state any claims raising a federal question.

WHEREFORE, it is ORDERED that the plaintiffs' motion is **GRANTED** and that this action is remanded to the 434th Judicial District Court, Fort Bend County, Texas and the Clerk of this Court shall mail a copy of this Order via regular mail to the Clerk of

the 434th Judicial District Court, Fort Bend County, Texas. Upon receipt of this Order, said court may proceed with the action according to the laws and procedures of the courts of the State of Texas.

It is so ORDERED.

SIGNED on this 8th day of July, 2016.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge